

U.S. Bankruptcy Court
200 Jefferson Avenue, Suite 413
Memphis, TN 38103
Telephone: (901) 328-3500

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE**

**NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 7
OF THE BANKRUPTCY CODE,
MEETING OF CREDITORS, AND FIXING OF DATES
(Individual or Joint Debtor No Asset Case)**

CASE NUMBER: 10-27962 gwe

Date Filed (or Converted): 7/27/10

NAME/ADDRESS OF ATTORNEY FOR DEBTOR

Allen C. Jones
314 Poplar Avenue
Memphis, TN 38103
Telephone Number: (901) 522-9316

NAME/ADDRESS OF CHAPTER 7 TRUSTEE

Lynda Teems
Law Office of Lynda Teems
40 South Main
Suite 2300
Memphis, TN 38103
Telephone Number: 901-526-5555

In re (NAME OF DEBTOR)

Jerry M. Smahay , xxx-xx-4765

dba Jerry Smahay Landscape, LLC
Kimberly S. Smahay , xxx-xx-8479

ADDRESS OF DEBTOR(s):

410 King Ridge Drive
Collierville, TN 38017

DATE/TIME/LOCATION OF MEETING OF CREDITORS

August 30, 2010 12:00 PM
200 Jefferson Ave, Room 175, Memphis, TN 38103

The presumption of abuse does NOT arise.

See "Presumption of Abuse" on reverse side.

DEADLINE to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts: 10/29/10

DEADLINE for Debtor to File Certification of Completion of Instructional Course Concerning Financial Management: 10/14/10

AT THIS TIME THERE APPEAR TO BE NO ASSETS AVAILABLE FROM WHICH PAYMENT MAY BE MADE TO UNSECURED CREDITORS. DO NOT FILE A PROOF OF CLAIM UNTIL YOU RECEIVE NOTICE TO DO SO.

PURSUANT TO LOCAL STANDING ORDER NO. 05-0004, AND 09-0007, AND 11 U.S.C. § 105(a), AND THIS COURT'S INHERENT POWER AND DUTY TO MANAGE ITS DOCKETS, NOTICE IS HEREBY GIVEN THAT THE FAILURE OF ANY DEBTOR TO TIMELY FILE THE MAILING MATRIX WITHIN SEVEN DAYS AFTER THE ENTRY OF THE ORDER FOR RELIEF, OR WITHIN ANY EXTENSION GRANTED BY THE COURT, AND/OR FAILURE OF ANY DEBTOR TO ATTEND THE MEETING OF CREDITORS, MAY RESULT IN THE DISMISSAL OF THE BANKRUPTCY CASE WITHOUT FURTHER NOTICE.

For the Court: Jed G. Weintraub
Clerk of the Bankruptcy Court

7/28/10
Date

(SEE REVERSE SIDE)

NOTICE IS FURTHER GIVEN THAT:

COMMENCEMENT OF CASE. A petition for liquidation under chapter 7 of the Bankruptcy Code ("Code") has been filed in this court by or against the person or persons named on the reverse side as the debtor, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property, debts, and property claimed as exempt are available for inspection at the Office of the Clerk of the Bankruptcy Court.

CREDITORS MAY NOT TAKE CERTAIN ACTIONS. A creditor is anyone to whom the debtor owes money or property. Under the federal bankruptcy laws, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions, repossessions, or wage deductions. If unauthorized actions are taken by a creditor against a debtor, the court may penalize that creditor. A creditor who is considering taking action against the debtor or the property of the debtor should review Sec. 362 of the Code and may wish to seek legal advice. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

DISCHARGE OF DEBTS. The debtor is seeking a discharge of debts. A discharge means that certain debts are made unenforceable against the debtor personally. Creditors whose claims against the debtor are discharged may never take action against the debtor to collect the discharged debts. If a creditor or other parties in interest believes that the debtor should not receive any discharge of debts under Sec. 727 of the Code, or that a debt owed to the creditor is not dischargeable under Sec. 523(a)(2), (4), (6) or (15) of the Code, timely action must be taken in the Bankruptcy Court by the deadline set forth on the reverse side labeled, "Discharge of Debts." Creditors considering taking such action may wish to seek legal advice.

EXEMPT PROPERTY. Under state and federal law, the debtor is permitted to keep certain money or property as exempt. If a creditor or other interested party believes that an exemption of money or property is not authorized by law, the creditor or other interested party may file an objection. An objection must be filed not later than 30 days after the conclusion of the meeting of creditors.

LIQUIDATION OF THE DEBTOR'S PROPERTY. The Bankruptcy Trustee ("Trustee") will collect the debtor's property and turn any that is not exempt into money. If the trustee can collect enough money and property from the debtor, creditors may be paid some or all of the debts owed to them.

MEETING OF CREDITORS. The debtor (both husband and wife in a joint case) is required to appear at the meeting of creditors on the date and at the place set forth on the reverse side for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may elect a trustee other than the one named on the reverse side, elect a committee of creditors, examine the debtor, and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by oral notice at the meeting, without further written notice to creditors and other parties in interest.

NOTICE OF ABANDONMENT. This will serve notice that at the scheduled meeting on the reverse side, the Trustee may announce which properties the trustee plans to abandon. An objection to the Trustee's action may be filed within 14 days after the meeting of creditors.

PRESUMPTION OF ABUSE: If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.

(SEE REVERSE SIDE)